

Newark

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Newark Points the Way

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To National F. E. P.

THE MAYOR'S COMMISSION ON GROUP RELATIONS

Newark, New Jersey

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FOREWORD

Long an active proponent of legislation guaranteeing fair employment practices to all Americans, the Mayor's Commission on Group Relations, in presenting this pamphlet, tells a large part of the story of our experience in implementing the New Jersey "Law Against Discrimination" and the Newark "Fair Practice Ordinance."

The following pages, containing the testimony of David M. Litwin, Commission Chairman, in a hearing before a subcommittee of the United States Senate, show clearly that municipal and state efforts must be supplemented by effective Federal legislation.

In view of the growing interest in the prohibition of discrimination in employment throughout our city, state and nation, the Mayor's Commission on Group Relations is making this testimony public to show how "Newark Points the Way to National F.E.P."

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★★★★

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Federal FEP Act Needed

N.J. official
backs strong
federal law

D Litwin gives
on state

Star-Ledger

Litwin urges
federal FEPC

WASHINGTON—Adopt a Commission on Group Relations, the federal law to insure fair employment practices—a new New Jersey state CIO president, today by David rights subcommittee of the labor and public will to urge ad-

Newark Evening News

Litwin, Holderman Ask
U. S. Adopt FEPC Bill

New Jersey
Herald News

Litwin To Talk
Before Senate Gp.
On FEPC Bill

NEWARK—Oral and written testimony will be given by David M. Litwin, Newark lawyer and chairman of the Mayor's Commission on Group Relations, before a Senate subcommittee at Washington March 3 in reference to Senate Bill 692 to prohibit discrimination in employment because of race, color, religion, "national origin or ancestry." The fair employment practices bill is sponsored by Senator Ives (R., N. Y.) and others of both parties, including Senators Hendrickson and Smith of New Jersey, and has been referred to the committee on labor and public welfare. Public hearings will be held

Newark Evening News

Litwin Urges Adoption
Of Bill Creating FEPC

The Jewish News

For Legislation
On Civil Rights



WASHINGTON—David M. Litwin, chairman of the Mayor's Commission on Group Relations, today urged the adoption of a federal law to insure fair employment practices—a new New Jersey state CIO president, today by David rights subcommittee of the labor and public will to urge ad-

ANTIDISCRIMINATION IN EMPLOYMENT

HEARINGS
BEFORE THE
SUBCOMMITTEE ON CIVIL RIGHTS
OF THE
COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
ON
S. 692
A BILL TO PROHIBIT DISCRIMINATION IN EMPLOYMENT
BECAUSE OF RACE, COLOR, RELIGION, NATIONAL
ORIGIN, OR ANCESTRY

WEDNESDAY, MARCH 3, 1954

**STATEMENT OF DAVID M. LITWIN, CHAIRMAN, MAYOR'S
COMMISSION ON GROUP RELATIONS, NEWARK, N. J.**

My name is David M. Litwin. I am chairman of the Mayor's Commission on Group Relations of Newark, N. J., and I am speaking here in my capacity as such chairman. This commission, consisting of 15 representative citizens serving without compensation, is an official body of the city of Newark.

I was also chairman of the Newark Civil Rights Commission, predecessor to the present mayor's commission, created in 1950, which laid the groundwork for the passage, in 1952, of an ordinance creating the mayor's commission on group relations. This ordinance, known as the Newark fair practice ordinance—an ordinance to create a mayor's commission on group relations in the city of Newark * * * adopted October 15, 1952—in its declaration of policy states, in part:



In the city of Newark, with its large cosmopolitan population, consisting of all the races, nationalities, religions, and ethnic groups which constitute America, no greater menace threatens the peace, good order, security, and welfare of the city and its inhabitants than the existence within it of groups antagonistic to one another and prejudiced against each other because of differences of race, creed, color, national origin, or ancestry.

The Board of Commission of the City of Newark hereby finds and declares that the practice of prejudice, intolerance, bigotry, and discrimination and the disorder occasioned thereby, tends to create breaches of the peace and threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. To the end that such prejudice, intolerance, bigotry, and discrimination shall be stamped out, this local law is enacted to provide an instrumentality through which the city of Newark may officially encourage and bring about mutual understanding and respect by all groups in the city, eliminate prejudice, intolerance, bigotry, discrimination and disorder and help give effect to the guaranty of equal rights for all as assured by the Constitution and laws of the State.

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Mr. LITWIN. I wish to express the gratification of the mayor's commission on group relations upon my being invited to testify before this Subcommittee on Civil Rights of the Senate Committee on Labor and Public Welfare.

I speak in favor of the adoption of S. 692, "A bill to prohibit discrimination in employment because of race, color, religion, national origin, or ancestry." Although New Jersey has a fair employment practice law which is functioning satisfactorily, as will appear later in my testimony, nevertheless the passage of S. 692 is urged, for anything that affects any of the peoples of our Nation has a direct impact upon the welfare of the citizens of Newark and the State of New Jersey. Any act of discrimination against any minority, wherever situated, influences the status of all minorities. We, who are vitally interested in the human relations and civil rights of our citizens, cannot stand by and permit incidents of intolerance to go unnoticed. Every such act is a serious setback to the progress that we have made in recent years in the brotherhood of man.

As right-thinking Americans, we must work to stop prejudice by striking at its cancerous body wherever it rears its head. Every act of prejudice, intolerance, hate, and discrimination because of race, color, creed, national origin, or ancestry is a menace to the institutions of a free democratic government. The invasion or violation of any one of our civil rights gives the communistic countries an advantage for propaganda purposes in their cold war of attrition. We must not give them this ammunition.

My testimony will be directed to the favorable working of fair employment practices in the State of New Jersey under our law, leaving it to other witnesses who appear before your committee to discuss the philosophy of those practices and the need for a similar law on a national level.

Our experience is conclusive proof, as far as we are concerned, that equality of opportunity in employment can, and does, work. Equality of opportunity in employment is recognized by the State as a civil right. The New Jersey antidiscrimination law of 1945, as amended in 1949 (the antidiscrimination law of 1945, ch. 169, public law 1945, as amended in 1949 by ch. 11, public law 1949, and further amended in 1951 by ch. 64, public law 1951) declares in part:

All persons shall have the opportunity to obtain employment . . . without discrimination because of race, creed, color, national origin, or ancestry, subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right.

Senator Ives. New York has a very similar provision in its statute. Mr. LITWIN. And, Senator, S. 692 also declares it to be a civil right. Senator Ives. S. 692 is based on the New York statute.

Mr. LITWIN. For almost 9 years, the peoples of the State of New Jersey have enjoyed the opportunity for employment on the basis of merit and merit alone. As a result, in our community we are witnessing daily the fruit of this economic equality, as reflected in inter-group relationships. For example, although unemployment has increased somewhat in recent months, there has been no increase in employment complaints filed with the State division against discrimination during comparable periods of 1953 and 1954. (Complaint Report, January 31, 1953; and Complaint Report, January 31, 1954; both New Jersey Division Against Discrimination.) This fact has given us reason to hope that the "last to be hired, first to be fired" practice of prejudiced employers has at last come to an end.

Let us contrast present employment practices in New Jersey with those of the past, when discriminatory policies prevented us from utilizing our manpower most effectively in the interest of our national security and general welfare. Throughout this discussion, let us always be mindful of the fact that employment discrimination is costing our national community over \$20 billion annually in taxes, unemployment and curtailed purchasing power. (Equal Employment Opportunity Legislation in the United States, by the Illinois Committee for Equal Job Opportunities, May 5, 1953.) This is in excess of the inestimable social and economic costs borne by the Nation to support extraordinary law and order, and emergency health and sanitation facilities for the victims of economic prejudice. (Industry and Community, the Journal of Educational Sociology, December 1953.)

Newark, along with other cities, knows that the establishment of democratic employment patterns are helpful and can prove vital to the national security, in that they give to all citizens an equal opportunity for advancement. The States with enforceable merit-employment laws have accumulated a combined total of more than 50 years of experience which demonstrate that prejudicial practices in employment can be proscribed by law. (Equal Employment Opportunity Legislation in the United States, by the Illinois Committee for Equal Job Opportunities, May 5, 1953.)

The best way we can learn how effective the law has been in our own area is to hear directly from the people who are involved. I am happy to be able to include in my testimony, statements from them on employment practices under the law and the effects in Newark and New Jersey, as they were reported in Business Week magazine: (Does State FEPC Hamper You? Business Week, February 25, 1950.)

The home office of the Prudential Insurance Co. is in Newark, where it employs a large white-collar work force. It feels that the job-lin unit has neither helped nor hurt, nor has it interfered with management's hiring prerogatives. Prudential has run into no opposition from employees to an anti-lin policy and has had no discipline or grievance problems.

TO NATIONAL F.E.P.

A Camden, N. J., firm, the New York Shipbuilding Corp., reports no "interference with our right to select the most competent workers"—and "no added problems or difficulties."

In one of Newark's neighboring communities, Elizabeth, the management of the Elizabeth Ironworks states that its normal rights have not been subjected to any serious pressures, and the New Jersey law hasn't "created any new problems." There have been "no adverse comments" from employees.

This testimony from management certainly is impressive; but what about the average citizen's attitude? A good case in point is that of L. Bamberger & Co., owner of New Jersey's largest department store, occupying an entire city block in the heart of Newark. Bamberger's presents visual evidence to Mrs. Housewife and Mr. Shopper that complete integration of all personnel of every race, religion, and origin at the sensitive level of customers' sales contact is successful and that New Jersey's FEP law is a working reality.



At this point I would like to present a statement by Carl Holderman, president of the New Jersey State CIO, in favor of FEPC, and have his statement included.

Senator IVINS. Without objection, that will be incorporated at this point.

(The statement referred to follows:)

STATEMENT BY CARL HOLDERMAN ON FEPC

The New Jersey State CIO, which represents 250,000 CIO members in the State of New Jersey, wholeheartedly supports Senate bill 922, which provides for effective sanctions against anyone guilty of discrimination in employment because of race, color, creed, or nationality.

We support this legislation because we have found that since passage of a similar law in the State of New Jersey some of the fears expressed by the foes of such legislation have come to pass, while, at the same time, it has played a major role in insuring equal opportunity in employment to all.

No one has been jailed or fined as a result of its penalty provisions, but the New Jersey law's "teeth" has made it possible to secure voluntary compliance on the part of employers who would not have agreed to non-discriminatory hiring otherwise. Similarly, it has had a tremendous educational impact on thousands of other employers who have obeyed the law without question.

It is inevitable to me that any individual could question the desirability of breaking down racial and religious barriers in employment—a basic civil right—when you consider the moral, religious, political, economic, and international consequences of any segregation or discrimination policy.

In view of the fact that its provisions would effeminate our Federal Constitution, American foreign policy, and the ethical principles contained in the Bible, and in view of the fact that it has worked so well in our State, I urge the committee to recommend prompt congressional enactment of S. 922, or any similar Federal FEPC bill, with strong enforcement powers.

Mr. LATWIS. What does the enforcement arm of the law, the New Jersey division against discrimination, have to report about its experience in administering the employment provisions? The following quotations are most pertinent: (Have FEPC laws increased opportunities for Negroes? New Jersey Division Against Discrimination.)

Well-defined results of the influence of this legislation can be observed. First, the inordinate fear of the idea * * * has faded away, but this is not to say that opposition has totally disappeared. Secondly, there has not been the predicted stampede by minorities or by so-called radical elements to harass employers or unions. In each instance, the State agency entered upon its task by arranging conferences with such groups as newspaper associations, representatives of major industries, employment agency operators, retailers, educators, and vocational counselors, and cross-section representations of cultural minorities. Understanding and a spirit of voluntary cooperation led to changes without formal complaints or other pressures.

In effect, the testimony from all quarters states that we have learned to live with the law and we also have learned to like it. The State law takes the development of better human relations off the shoulders of invariably inadequate and usually spasmodic individual effort and develops it in a practical way. Our experience demonstrates that when people know they must leave their prejudices behind, they quickly learn to work together amiably and effectively. In our State, we have

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seen a tremendous moral value and economic gain to workers and industry resulting from the law. With but a modicum of friction, we have been able to get almost complete cooperation on the part of employers to comply with the regulations of the law.

Indeed, we believe that New Jersey is among the foremost States in the Nation which has established a pattern of harmony that the Federal Government might well emulate. How did this pattern originate in our State?

With the solid support of organized labor, represented by the New Jersey Federation of Labor and the New Jersey Council of Industrial Organizations, in 1945 the then Governor, Hon. Walter E. Edge, Republican, officially sponsored the antidiscrimination bill in the Republican-controlled legislature, in keeping with the platform commitments of his party. It is to be remembered that Ex-Governor Edge has had a long distinguished career in the services of his State and Nation as twice-elected Governor, United States Senator, and Ambassador to France, and his support of legislation of this nature came out of the practical wisdom and vision acquired through his long and varied service.

In light of the foregoing, we should all the more attentively heed the words of one of our Nation's greatest living statesmen when he says: (Address by Hon. John Foster Dulles, New York, March 6, 1948.)

Most of us in the United States believe strongly in free enterprise but sometimes we forget that freedom and duty always go hand in hand and that if the free do not accept social responsibility, they will not remain free. The right of our enterprise recognizes a duty to provide men with equal opportunities. Industrial freedom cannot indefinitely survive as license to discriminate against men because of their race, color, or religion.

Thus speaks our Secretary of State, John Foster Dulles.

At this point, it is important to note that New Jersey employers, with the establishment of our law, have not surrendered their right to hire the best possible man for the job, but on the contrary, they have gained a much wider range of potential employees from which to choose since they are no longer limited to selecting workers from a circumscribed group in the community.

However, the need for interstate cooperation exists. For the moment, let us consider specific cases which we are unable to handle on a State level and therefore may require the impetus of a Federal commission's action. The State commissions have found it difficult, if not impossible, to deal with large employers and labor unions unless all the States in which they conduct business have laws providing for equal opportunity in employment. (Statement on behalf of the American Jewish Committee submitted by Irving M. Engel, April 18, 1952, before the Subcommittee on Labor and Labor-Management Relations of the Senate Committee on Labor and Public Welfare.)

Two examples serve to illustrate this point: (Statement on behalf of the American Jewish Committee submitted by Irving M. Engel, April 18, 1952, before the Subcommittee on Labor and Labor-Management Relations of the Senate Committee on Labor and Public Welfare.)

The Goodyear Tire & Rubber Co. of Akron, Ohio, used application forms for all of its plants, asking race, religion, parent's birthplace, and lineage, and cited as examples, Scotch, German, Hebrew, English, and so forth. These forms bore the following legend: This application blank is not to be used in New York, New Jersey, Massachusetts, or Connecticut—the four States which, at the time, had equality of opportunity in employment laws.

On the other hand, the New York, New Haven & Hartford Railroad passes through three States which do have such laws. When a complaint was made that the railroad discriminated in the employment of personnel for its grill cars, the three State commissions acted in unison to effect an amicable settlement, without resorting to any publicity.



But for the most part, in New Jersey few changes have been effected in the personnel policies of interstate corporation operations. However, the shops and other installations of these corporations operating within the State have changed personnel practices and the exclusion of minority workers has been prohibited with gratifying results. (A summary report of effects of FEP legislation in New Jersey, New Jersey Division against Discrimination, May 6, 1952.)

In concluding this point, I would like to recall the fact that the Fair Employment Commissioners from New York, New Jersey, and Massachusetts, in testimony before a committee of the 80th Congress, agreed that full fruition of any State law against discrimination (in employment) will not be completely attainable until uniformity and support are supplied by like national legislation. (Statement on behalf of the American Jewish Committee submitted by Irving M. Engel, April 18, 1952, before the Subcommittee on Labor and Labor-Management Relations of the Senate Committee on Labor and Public Welfare.)

If it can be assumed that we have achieved agreement on the full desirability of this legislation, let us proceed to a crucial point of the argument.

The most frequently employed contention designed to dispose of the legislative approach to the problem of employment discrimination is that "prejudice cannot be eliminated by laws—it will yield only to education." There are two major fallacies in this argument. (A Brief Presenting a Report of the Experiences in the Administration of Fair Employment Practices Law, New Jersey Division against Discrimination, January 1953.)

1. The statement implies that prejudice and discrimination are synonymous terms; and

2. The statement implies that "education" as offered in the schools and colleges of the Nation, presents a dynamic approach to the problem of intergroup relations.

Prejudice, per se, cannot be eliminated by legislative act or edict. Discrimination, the outward, social manifestation of prejudice, can be corrected by legislation, and only by legislation. This is being done in New Jersey and the city of Newark.

As to the second fallacy, official records of the State of New Jersey and the city of Newark bear out the claim that education, as now recognized and accepted, has made but little contribution toward the elimination of either prejudice or discrimination. However, and most important, the educational potency of a legislative act is too frequently underemphasized or completely ignored. Our experience since passage of the antidiscrimination law of New Jersey and the fair practices ordinance of Newark clearly demonstrates that a great new era has been opened. This can be illustrated from the experience, and with the activities, of the mayor's commission on group relations of Newark.

The citizenry is cognizant of our efforts and its appraisal of them may be typified with the following excerpt from an editorial published in the official organ of the Jewish community of Essex County, The Jewish News, in which, on February 19, 1954, appeared the following: (Progress in Civil Rights. The Jewish News, Newark, N. J., February 19, 1954.)

For the second consecutive year, the Newark mayor's commission on group relations has chosen to dedicate Brotherhood Week to emphasizing and disseminating information on New Jersey's comprehensive antidiscrimination and fair employment practices laws. One primary reason for this is the desire to give tangible expression to the essence marking the Brotherhood Week observance, and which all too often tend to be nothing more than well-meaning, but highly nebulous and ineffective exhortations. For this, the mayor's commission deserves our praise. Not even the most fervent proponent of fair employment practices legislation will assert that our experience in New Jersey with FEP laws entitles us to claims of perfection. What we can state unqualifiedly, however, is that FEP legislation here is daily proving itself to be sound, worthwhile and eminently necessary; and we have every reason to expect that as knowledge of our FEP laws becomes more widespread, New Jersey will continue to make substantial progress in the area of civil rights.

However, let us constantly bear in mind the fact that the educational value of the New Jersey antidiscrimination law and the Newark fair practice ordinance, in setting forth a code of ethics expected by the peoples of our State and city, is the most potent feature by which the majority of employers and labor unions are guided in their operations. The threat of legal reprisal in the State law was essential in rousing consciousness in the many. Actual use of this legal instrument may be required for the few. Our experience in New Jersey thus far is that no litigation has been necessary in a single case to compel compliance with the law. All adjustments to date have been accomplished on the level of conciliation and persuasion, with not one case requiring recourse to public hearing or litigation to secure cooperation or to achieve satisfactory settlement. This amazing truth is based on the following statistics:

In the 8½ years of the existence of New Jersey's FEP law, the State division against discrimination has received the small total of 930 complaints because of alleged discrimination in employment. Breaking this down, 69 complaints were withdrawn, 49 were dismissed for want of jurisdiction, and 450 for lack of probable cause. The remaining 362 cases showed sufficient evidence to warrant the division's intervention and these were adjusted satisfactorily to all parties, without publicity or hearing and without resorting to the enforcement provisions of the law. (Complaint Report, New Jersey Division against Discrimination, January 31, 1954.)

Therefore, fear of the compulsory features of a Federal bill, such as S. 692, on the basis of our experience is not warranted. Nevertheless, it is this power to require the conformance to the antidiscrimination measure that is crucial. The method of obtaining compliance

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may be, and almost always is, by conciliation and education. But without the power to compel observance, as exists in some other States and municipalities, the attempts to bring about conciliation have been useless and futile. (Statement of Nathaniel M. Goodrich, Washington representative and counsel, the American Jewish Committee and the Antidefamation League of B'nai B'rith, January 28, 1934.)

We of the mayor's commission on group relations of Newark, N. J., know that this bill for Federal equality of opportunity in employment is sound and workable legislation. We know that fear of it is unwarranted. Our knowledge is based upon our experience, for the peoples of the city of Newark and the State of New Jersey have learned to live with such a law and to truly like it.

Senator IVES. I want to compliment you upon your presentation. It has been very valuable and very helpful to us.

Perhaps you heard the question that I raised with both Dr. Lee and Miss Stevens regarding S. 1. Are you acquainted with S. 1?

Mr. LITWIN. I am.

Senator IVES. What is your comment concerning that?

Mr. LITWIN. I do not believe that S. 1 will accomplish the purpose. There are enough voluntary organizations, some of which I am a member of, that carry on the educational process. Education by government is not sufficient. As I stated in my testimony, you must have the impetus of the power to force compliance.

Senator IVES. Then you are opposed to S. 1?

Mr. LITWIN. Definitely.

Senator IVES. Thank you very much.

Senator LEHMAN, any questions?

Senator LEHMAN. No questions.

I do want to make one brief comment. In the first place, I want to congratulate you, Mr. Litwin, on a very clear statement.

I think one of our great difficulties in securing this kind of legislation—and we have the same difficulty in connection with other more or less similar legislation where there is misunderstanding and misapprehension—is the fact that there has been so much misrepresentation with regard to the provisions of this or any other similar bill.

This bill and its predecessors have been characterized by their opponents as jail-sentence bills. Of course, they are in no way jail-sentence bills. The Commission which is proposed to be set up, on its own initiative can not possibly impose any penalties whatsoever on people, except to certify the facts to the courts when the facts have been clearly ascertained or disclosed.

The other thing is, I think the impression has gained ground that what is intended by this bill is to give the Commission the power to tell employers just whom they have to employ, either as individuals or under certain quotas. In other words, I think the impression has gained ground that the Commission can say to an employer, "You

have to employ a certain number of Negroes or Jews or representatives of other minority races; and also if you have too many of one kind, you have to discharge a certain number."

Of course that is completely contrary to the intent of this bill or of the letter of the bill. There is no disposition ever, as you know, to say that you have to employ any particular members of groups or any particular numbers of certain groups. All the bill provides is that there be no discrimination in the employment because of race, creed or color.

You know that, and of course your Commission knows it, and you have proceeded along those lines, just as we have in New York. But I think that these various organizations of which you are a member, which are so deeply interested in this subject, and the great organizations represented by Dr. Lee and Miss Stevens, can do a great deal, I believe, in bringing the facts home to the people and correcting these misunderstandings and these misrepresentations.

I think most of the misrepresentations are deliberate. I do not think they are just accidental. I do not think we have done enough education along those lines, and I hope that we will be able to step up our efforts in that regard.

Mr. LITWIN. Senator, in line with what you have said, there is also a misapprehension bandied about, and it is that FEP is strictly a matter of Negro and white. That is not so. I know of my own personal knowledge that Jews and Negroes, Catholics and Protestants, Polish and Lithuanians, have been discriminated against. So it is not a matter of cleavage because of color. It is also a matter of religion and the place of our origin. People, as we say, because of color, race, religion, and national origin, are all affected. It is not only a question of colored and white.

Senator LEHMAN. I agree with you. I think it is very important to make that clear.

Senator IVES. You may be interested to know that at the time the New York State hearings were held, we found all those nationalities—Italians and a few others—involved, where discrimination was actually being practiced. One of the interesting things was that one of the witnesses was an atheist, and the atheist claimed he was being discriminated against.

Mr. LITWIN. I know of an example of an industry that would have only people of Polish origin. They were the only people that were hired. By a method of education they were taught to hire people of every kind. It opened up a field of employment to them, and I believe that they acquired more suitable people for their work. That is just one example. That could be multiplied many times.

Senator IVES. Thank you very much, Mr. Litwin. It was very nice of you to come.

Mr. LITWIN. Thank you very much for the opportunity.

Know Your Rights

in employment and places of public
accommodation. For information about
the Newark Fair Practice Ordinance and
the N. J. Law Against Discrimination,

Call Mitchell 3-9285

FOR ADDITIONAL COPIES

Write:

Mayor's Commission On Group Relations

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